

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

STEPHANIE BAIYASI,

Plaintiff,

Case No. 11-cv-13094-TLL-CEB
Hon. Thomas L. Ludington

vs

DELTA COLLEGE and DAVID
BAILEY, in his individual and official
capacity, jointly and severally,

Defendants.

THE MASTROMARCO FIRM
VICTOR J. MASTROMARCO, JR. (P34564)
MANDA L. DANIELESKI (P62597)
Attorneys for Plaintiff
1024 North Michigan Avenue
Saginaw, Michigan 48602
(989) 752-1414

CUMMINGS, McCLOREY, DAVIS & ACHO, PLC
EILEEN K. HUSBAND (P38059)
Attorneys for Defendants
33900 Schoolcraft
Livonia, MI 48150
(734) 261-2400

PLAINTIFF'S RESPONSE TO DEFENDANTS' AFFIRMATIVE DEFENSES

NOW COMES Plaintiff, STEPHANIE BAIYASI, by and through her attorneys,
THE MASTROMARCO FIRM, and for her Response to Defendants' Affirmative
Defenses, states as follows:

1. Denied as untrue.

2. Denied as untrue.

3. Denied as untrue.

4. Denied as untrue.

5. Denied as untrue.

6. Denied as untrue.

7. Denied as untrue.

8. Denied as untrue.

9. Denied as untrue.

10. Denied as untrue.

11. Denied as untrue.

12. Denied as untrue that there is a rebuttable presumption. In all other respects,
the Plaintiff lacks sufficient knowledge or information to form a belief about
the truth of the allegation asserted which has the effect of a denial.

13. Denied as untrue.

14. Denied as untrue.

15. Denied as untrue.

16. Denied as untrue.

17. Denied as untrue.

18. Denied as untrue.

19. Denied as untrue.

20. Denied as untrue.

21. Denied as untrue.

22. Denied as untrue.

23. Denied as untrue.

24. Denied as untrue.

25. Denied as untrue.

26. Denied as untrue.

27. Denied as untrue.

28. Denied as untrue.

29. Denied as untrue.

30. Denied as untrue.

31. Denied as untrue.

32. Defendant's statement is not a defense. Plaintiff further states that she will rely upon Defendant's obligations pursuant to the Court Rules to identify its purported defenses in conformity with the Court Rules in a timely manner.

33. Defendant's statement is not a defense. Furthermore, a Plaintiff is not required to plead or reply to a defendant's purported affirmative defenses. See Rule 7 of the Federal Rules of Civil Procedure. See Gulf Refining Co. v. Fetschan, 130 F.2d 129, 132 (C.A.6 1942). Plaintiff affirmatively asserts that her responses to the affirmative defenses is not a waiver of her right not to respond and is simply being provided in the voluntary spirit of cooperation.

Dated: October 9, 2012

Respectfully Submitted:
THE MASTROMARCO FIRM
s/Manda L. Danieleski
MANDA L. DANIELESKI (P62597)
Attorney for Plaintiff
1024 N. Michigan Avenue
Saginaw, MI 48602
(989) 752-1414
westervm@gmail.com

PROOF OF SERVICE

I hereby certify that on October 9, 2012, I presented the foregoing paper to the Clerk of the Court for filing and uploading to the ECF system which will send notification of such filing to the following: Eileen Husband, and I hereby certify that I have mailed by United States Postal Service the document to the following non ECF participants: N/A.

Dated: October 9, 2012

Respectfully Submitted:
THE MASTROMARCO FIRM
s/Manda L. Danieleski
MANDA L. DANIELESKI (P62597)
Attorney for Plaintiff
1024 N. Michigan Avenue
Saginaw, MI 48602
(989) 752-1414
westervm@gmail.com